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**OFFICE OF PETITIONS**

In re Application of :  
Itahara et al. :  
Application No. 10/470,584 : DECISION GRANTING PETITION  
Filed: 22 July, 2003 :  
Attorney Docket No. L9289.03143 :

This is a decision on the petition styled as a petition requesting a serial number for an application, filed on 28 October, 2003, which is treated as a petition under 37 CFR 1.53(e) to accord the above-identified application a filing date of 22 July, 2003.

The petition is granted.

Petitioner asserts that the above-identified application was filed on 22 July, 2003, but was subsequently lost in the U.S. Patent and Trademark Office. In support, petitioner presents a return postcard bearing a USPTO "Office-date" stamp dated 22 July, 2003. The postcard itemizes the filing of, *inter alia*, 51 pages of specification, 10 claims, an abstract, and 23 sheets of drawings, and identifies the application by first named inventor's name, attorney docket number, and the attorney's law firm's name and address. The petition was also accompanied by two copies of 51 pages of written description, six (6) pages containing 10 claims, one (1) page of abstract, and 23 sheets of drawings. Petitioner requests that the application be accorded a filing date of 22 July, 2003, the date that the specification, claims, and drawings were filed in the USPTO.

In view of petitioners' postcard receipt, the evidence is convincing that the application papers deposited on 22 July, 2003, included, *inter alia*, 51 pages of written description, 10

claims, and 23 sheets of drawings, which were subsequently misplaced in the USPTO. Therefore, the application was complete on filing and entitled to a filing date of 23 July, 2003.

In view of the above, the petition is granted. No petition fee is due and none has been charged.

The application has been assigned Application No. 10/470,584. All future correspondence regarding this application should reference this number.

The application file is being forwarded to Office of Initial Patent Examination for further processing with a filing date of 22 July, 2003, using the copy of the specification, claims, and drawings supplied with the present petition.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6918.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions